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SUBJECT: COLOMBIA - ANTI-TRAFFICKING IN PERSONS (TIP) REPORT

REF: STATE 7869

1. Embassy point of contact on trafficking in persons is human rights officer Kiersten Stiansen, phone number (571) 383-2122, fax number (571) 315-2163. Approximate amount of time spent to prepare this report: 30 hours.

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Overview  
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2. Colombia is a significant source of trafficking victims, especially women and children destined for sexual exploitation. According to the Administrative Department of Security (DAS), which has responsibilities similar to the FBI and INS, Colombia is the second most common country of origin of trafficking victims in the Western Hemisphere, and there are approximately 45,000-50,000 Colombian women working as prostitutes overseas. According to the DAS, between 2 and 10 Colombian women leave the country every day as unwitting victims of trafficking. Some Colombian men are trafficked, usually for forced labor, and there is significant internal trafficking of women for sexual exploitation, especially by the FARC terrorist organization, as well as forced conscription into terrorist armies. Female trafficking victims are at high risk for sexually transmitted diseases, unwanted pregnancies, and forced abortions. Most trafficking victims come from major cities such as Bogota, Medellin, and Barranquilla, the Caribbean coastal region, the departments of Valle del Cauca and Norte de Santander, and cities in the so-called "Coffee Zone," which includes the departments of Risaralda, Caldas, and Quindio. Victims of internal trafficking are brought from small towns and rural areas to large urban centers with active sex industries, including Bogota, Medellin, Cali, and Cartagena.

3. According to the DAS, most trafficking victims go to Europe, especially Spain (30 percent) and the Netherlands (20 percent), as well as Germany, Italy, France and Sweden. Many other trafficking victims end up in Japan (40 percent). The primary trafficking routes to Europe remain through Paris and Madrid. The main routes to Japan are via Paris, Madrid, or Miami. Colombia is also used as a transit point for trafficking victims from other countries, usually from South America.

4. Most traffickers in Colombia are linked to narcotics trafficking or other criminal organizations. Most trafficking organizations include both Colombians and criminals from destination countries. Colombia's continuing economic difficulties, high unemployment, social exclusion, crime, and terrorism contribute to the availability of victims. Traffickers especially target females between the ages of 14 and 30, especially those with limited education and poor job prospects. They also target young single mothers. They use a variety of techniques to recruit women. According to the DAS, criminal gangs frequently allow trafficking victims to return to Colombia if they agree to recruit additional victims. These organizations place job advertisements in major regional newspapers offering jobs in Europe or Asia as nannies, maids, waitresses, sales clerks, and models. They also advertise through internet chat-rooms and marriage agencies. Once contact is established, criminal gangs move quickly to send victims overseas before they can reconsider or contact family. In addition, women are brought to the airport at the last possible moment to minimize potential government surveillance prior to their departure. Victims are trained to memorize a fictitious cover story designed to be convincing to immigration authorities in the destination country. According to the DAS, 90 percent of trafficking victims leave Colombia legally. In cases in which women leave behind children in Colombia, criminal gangs often threaten to harm them if the woman does not continue working overseas.

5. There is political will at the highest levels of the GOC to combat trafficking in persons. The Government has an Inter-Agency Committee to Combat Trafficking in Women and Children which includes representatives of the Ministry of Justice and Interior, Ministry of Foreign Affairs, the DAS, Interpol, the Colombian National Police (CNP), the Colombian Institute for Family Welfare (ICBF), the Presidential Program

for the Human Rights, and the Offices of the Prosecutor General, Inspector General, National Human Rights Ombudsman, and Civil Registrar. The committee meets every two months and has prepared information campaigns, promoted information exchange between government entities, created trafficking hot lines for victims, and encouraged closer cooperation between the Government and Interpol. Some of the committee's accomplishments over the last year included: training prosecutors throughout the country on the application of anti-trafficking Law 747 of 2002; updating the judicial assistance manual to include trafficking crimes; inaugurating a database to track criminal cases against trafficking nationwide; and strengthening cooperation between the government institutions that combat or discourage trafficking. However, the effectiveness of anti-trafficking efforts is limited by the scarce resources available to relevant government agencies, which must devote most of their resources to combating narcoterrorism. No Colombian government official has been indicted for trafficking, and there is no evidence of official complicity in any trafficking activities.

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Prevention  
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16. Although the GOC acknowledges that trafficking in persons is a significant problem in Colombia, there is no single GOC entity responsible for anti-trafficking efforts and no specific national anti-trafficking plan. However, as noted above, the GOC has an effective inter-agency committee that works to coordinate and amplify GOC anti-trafficking activities. Government programs designed to empower women, such as a quota law that requires that local and regional authorities place women in 30 percent of all appointed positions, may have a positive long-term effect on Colombia's trafficking problem. The GOC has excellent relations with national and international NGOs and international governmental organizations regarding trafficking. Colombia has good control over its international airports, and uses a sophisticated system for tracking passenger arrivals and departures. However, its maritime and land borders are extremely porous and vulnerable to exploitation by criminals who traffic in persons. Nevertheless, the vast majority of trafficking victims leave the country legally. The DAS, as the country's immigration control agency, has successfully identified potential trafficking victims preparing to board international flights from Bogota. In 2003, they persuaded nine women not to go overseas after convincing them their job offers were fraudulent. The DAS has also had success in capturing traffickers, or "coyotes." In February, DAS officials in Antioquia department captured four traffickers in the cities of Rionegro, near Medellin, and Turbo, on the Caribbean coast. Those caught in Rionegro were attempting to send Ecuadorian children to the U.S. using false documents.

17. The Hope Foundation ("Fundacion Esperanza"), an anti-trafficking NGO, in coordination with the DAS, sends representatives to Bogota's international airport to watch for potential trafficking victims. In February 2004, with the support of the International Organization for Migration (IOM), the Foundation launched an information campaign to assist travelers in Bogota's international airport. Travelers will be able to register with the Foundation, view information on trafficking, and access the addresses and phone numbers of Colombian consulates worldwide through a kiosk in the international terminal. This information is also available on a new internet site.

18. In July 2003, the IOM implemented a major anti-trafficking public relations campaign to raise awareness in Colombia. The campaign included placing large posters in airports, foreign consulates, and travel agencies and running professionally produced public service announcements on radio and television. The IOM, with USG assistance, also created a Call Center that allows persons to phone in anonymously to ask about the legitimacy of work offers and provide information on potential trafficking cases. Between July 31 and September 30, 2003, the center received 2,338 calls.

19. The IOM has also signed two agreements this year with GOC agencies to increase cooperation in trafficking prevention. On November 6, the IOM and the Inspector General's Office (Procuraduria) signed a Technical Cooperation Agreement to strengthen the prevention of trafficking and the punishment of traffickers. The IOM has also begun training local representatives of the Inspector General's Office nationwide and is developing an information-sharing database. On December 10, the IOM signed an agreement with the DAS on increased cooperation and development of a shared information database.

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Investigation and Prosecution of Traffickers  
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¶10. Law 599 of 2000 made the penalties for trafficking for purposes of prostitution equivalent to those for rape and sexual assault, carrying penalties of six to eight years in prison and fines of up to 100 times the monthly minimum wage. Law 747 of July 2002 broadened the definition of trafficking in persons and provided for prison sentences between 10 and 15 years and fines up to 1,000 times the monthly minimum wage. These penalties can be increased by up to one-third if there are aggravating circumstances. Charges of illegal detention, violation of the right to work in dignified conditions, and violation of personal freedom may also be brought against traffickers. Police actively investigate trafficking offenses.

¶11. In accordance with Law 360 of 1997, the Prosecutor General's Office (Fiscalia) created a special unit to investigate and prosecute sexual crimes, including trafficking in persons. In 2003, the Prosecutor General's Office negotiated 13 plea bargains and convicted 3 persons for trafficking offenses. There were another 306 cases in various stages of processing and/or investigation. There was a 38 percent increase in the number of trafficking cases investigated by the Prosecutor General's Office over the past year.

¶12. In the last year, the DAS conducted 6 major international anti-trafficking operations that freed 14 women and led to the arrest of 8 traffickers. For example, Colombia's diplomatic mission in Japan, working with INTERPOL in both Colombia and Japan, provided key information that led to the capture of Japanese trafficker Sonya and two other Japanese citizens, as well as the arrest of a Colombian woman who worked as a recruiter for the Japanese mafia, the "Yakuza." This woman would meet Colombian victims in Narita airport in Japan where she would take their documents and then sell the women to Japanese criminals. Based on the information provided by an escaped victim, this woman was deported back to Colombia in June 2003 where she was detained by members of INTERPOL Colombia in Bogota's airport, and met by authorities with warrants for her arrest for the crimes of trafficking in persons and conspiracy. According to the police and DAS, most traffickers are linked to narcotics or other criminal organizations. In some cases, Colombian traffickers sell victims to foreign crime organizations; this is especially the case with Japanese crime syndicates, as noted above.

¶13. The IOM has provided training for government officials to help trafficking victims. In particular, it has been working with the Ministry of Foreign Affairs to train its career diplomats on how to spot and deal with trafficking victims, as well as providing information on the scope of the problem in Colombia and internationally. Since December 2002, the IOM has conducted numerous workshops and trained more than 1,610 public officials from various government agencies in different regional departments on the applicable regulations for this crime.

¶14. GOC can extradite persons charged with trafficking in other countries. However, there were no such extraditions (nor requests for extradition) in the last year, according to the Ministry of Foreign Affairs.

¶15. Colombia's legislature approved ILO Convention 182 on the worst forms of child labor. The Ministry of Foreign Affairs and Social Protection are taking the necessary steps to finalize ratification. The GOC has already taken steps to bring national law into conformity with the Convention. On November 11, Colombia ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography. The Protocol entered into force on December 11. It has also signed, but not yet ratified, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime. The Colombian Congress has approved the Protocol, but it is still pending approval by the president and review by the Constitutional Court. Colombia ratified ILO Convention 29 in 1969 and ILO Convention 105 in 1963.

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Protection and Assistance to Victims  
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¶16. Colombian consulates worldwide are responsible for providing legal and social assistance to Colombian citizens in need, including victims of trafficking. The GOC has contracted legal advisors and social workers to help support Colombians abroad. However, this type of assistance is only provided in consular districts with at least 10,000 resident Colombians. The GOC has no program for assisting trafficking victims once they return to Colombia, but trafficked minors can receive some assistance. For example, of the 25,000 children sexually exploited in Colombia, the Colombian Family Welfare Institute (ICBF) has provided assistance, both directly and through other specialized agencies, to over 14,400 over the last year. The IOM and the Hope Foundation

have provided short-term assistance to trafficking victims, including educational information, social support, and counseling. For example, with USG funding, the IOM is assisting 50 children of female trafficking victims in Bogota; 50 adult female trafficking victims in Medellin, Antioquia department; 39 adult female trafficking victims in Pereira, Risaralda department; 30 children of female trafficking victims in Armenia, Quindio department; and trafficking victims between the ages of 14 and 25 in Cartagena, Bolivar department, and Barranquilla, Atlantico department. The Foundation against Trafficking in Persons, founded by the Ministry of Justice's former anti-trafficking advisor, began a project to assist trafficking victims and others hurt by the sex trade in Bogota. The Rebirth Foundation ("Fundacion Renacer") provided assistance to trafficking victims, especially children. In 2002, the Rebirth Foundation helped 1,323 victims of trafficking, including 392 girls and 270 boys.

17. The rights of trafficking victims are respected and the government encourages victims to assist in the investigation and prosecution of trafficking crimes. However, widespread witness intimidation and limitations of the witness protection program deter many victims from coming forward or actively cooperating in investigations.

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